



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bramblebush Farm Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNRL-S, FFL

Introduction

In this dispute, the landlord seeks \$5,200.00 in compensation for loss of rent, pursuant to section 67 of the *Residential Tenancy Act* (the “Act”); he also seeks recovery of the \$100.00 filing fee under section 72 of the Act.

The landlord applied for dispute resolution on May 13, 2020 and a dispute resolution hearing was held on July 2, 2020. The landlord’s agent and two agents for the tenant attended the hearing. No issues of service were raised by the parties, having both confirmed that exchange of evidence occurred.

I have only reviewed and considered oral and documentary evidence submitted meeting the requirements of the *Rules of Procedure*, to which I was referred, and which was relevant to determining the preliminary issue of this application.

Preliminary Issue: Limitations Period

In reviewing the landlord’s application and documentary evidence, it became evident that the date the tenancy ended was December 31, 2017. I asked the landlord if this was correct, and he confirmed that this was indeed the date.

Section 60(1) and (2) of the Act state that

- (1) If this Act does not state a time by which an application for dispute resolution must be made, it must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.

- (2) Despite the *Limitation Act*, if an application for dispute resolution is not made within the 2 year period, a claim arising under this Act or the tenancy agreement in relation to the tenancy ceases to exist for all purposes except as provided in subsection (3).

In this dispute the tenancy ended on December 31, 2017. Therefore, the latest time than an application for dispute resolution may have been made in relation to the tenancy was December 31, 2019. However, the landlord did not make an application for dispute resolution until May 13, 2020, more than five months after the limitation date of December 31, 2019. I appreciate that the landlord initially pursued litigation under the *Civil Resolution Tribunal Act*, and which was unsuccessful, but this does not alter the fact that the present application was made after the limitation period expired.

In summary, then, the landlord's claim in relation to the tenancy has ceased to exist. Accordingly, I dismiss the landlord's application for dispute resolution.

Conclusion

The landlord's application is dismissed without leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: July 2, 2020